



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/049,861	03/27/98	TANAKA	H JA996088

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LM51/1008

EXAMINER

DAVIS, D

ART UNIT PAPER NUMBER

2754

DATE MAILED: 10/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/049,861

Applicant(s)
Tanaka et al

Examiner
David D. Davis

Group Art Unit
2754



☒ Responsive to communication(s) filed on Aug 2, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 5-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 5-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ishihara (JP 6-111294) or Matsumura et al (JP 6-290452). *Note: with respect to the method limitations in the product claim 2, the applied prior art shows the resultant product, which is bumps on the disk substrate.*

4. Claims 5, 7-9 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sato (JP 5-307748). *Note: with respect to the method limitations in the product claim 2, the applied prior art shows the resultant product, which is bumps on the disk substrate.*

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5. Claims 5-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Samoto (JP 4-38716). *Note: with respect to the method limitations in the product claim 2, the applied prior art shows the resultant product, which is bumps on the disk substrate.*

Response to Arguments

6. Applicant's arguments filed August 02, 1999 have been fully considered but they are not persuasive. Applicants assert the claims not the cited ref have the following:

a landing zone which includes a "texture free zone" which is used in conjunction with "a landing position control unit for moving the slider so that the minimum fly height area of said slider is positioned over the free zone of said disk storage medium when landing said slider."

All the references show, contrary to applicants assertion, a landing zone with areas that are texture (e.g. areas with bump) and areas that are not textured (e.g. areas between the bumps).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503.

A handwritten signature in black ink, appearing to read 'D. Davis', is positioned above the printed name.

David D. Davis
Primary Examiner
October 7, 1999